

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

**ORDER**

Criminal File No. 06-407 (MJD/AJB)

(1) NEULAN MIDKIFF,

Defendant.

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Timothy C. Rank and Tracy L. Perzel, Assistant United States Attorneys, Counsel for Plaintiff.

Douglas Olson, Counsel for Respondent.

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**I. INTRODUCTION**

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Arthur J. Boylan filed on June 21, 2007 and also upon the Report and Recommendation of United States Magistrate Judge Arthur J. Boylan filed on July 19, 2007.

**II. JUNE 21, 2007 REPORT AND RECOMMENDATION**

In the June 21, 2007 Report and Recommendation, the Magistrate recommended that Defendant Neulan Midkiff's Motion for Severance of Counts [Docket No. 46] be denied and Midkiff's Motion to Suppress Physical Evidence

[Docket No. 48] also be denied. Midkiff filed objections to the recommendation to deny his Motion for Severance of Counts. He did not file any objection to the recommendation that the Motion to Suppress be denied. Midkiff also stipulated that the Court does not need to review a transcript of the hearing in order to resolve his objections.

Pursuant to statute, the Court has conducted a de novo review of the record with regard to the Motion for Severance. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based on that review and with all the files and records the Court adopts the Report and Recommendation filed June 21, 2007.

### **III. JULY 19, 2007 REPORT AND RECOMMENDATION**

In the July 19, 2007 Report and Recommendation, the Magistrate recommended that Midkiff's Motion for Severance of Defendants [Docket No. 70] be denied; that Midkiff's Motion for Severance of Counts [Docket No. 71] be denied; that Midkiff's Motion to Dismiss Indictment [Docket No. 72] be denied; and that Midkiff's motion for disclosure of grand jury transcripts be denied. Neither party has filed objections to the Report and Recommendation; thus, based upon the Report and Recommendation and with all the files and records, the Court adopts the Report and Recommendation filed July 19, 2007.

Accordingly, based upon the files, records, and proceedings herein, **IT IS**

**HEREBY ORDERED** that:

1. The Magistrate Judge's Report and Recommendation filed on June 21, 2007 [Docket No. 65] is hereby **ADOPTED**.
2. Defendant Neulan Midkiff's Motion for Severance of Counts [Docket No. 46] is **DENIED**.
3. Midkiff's Motion to Suppress Physical Evidence [Docket No. 48] is **DENIED**.
4. The Magistrate Judge's Report and Recommendation filed on July 19, 2007 [Docket No. 81] is hereby **ADOPTED**.
5. Midkiff's Motion for Severance of Defendants [Docket No. 70] is **DENIED**.
6. Midkiff's Motion for Severance of Counts [Docket No. 71] is **DENIED**.
7. Midkiff's Motion to Dismiss Indictment [Docket No. 72] is **DENIED**.
8. Midkiff's motion for disclosure of grand jury transcripts is **DENIED**.

Dated: August 22, 2007

s / Michael J. Davis  
Judge Michael J. Davis  
United States District Court